

Remarks

Claims 1-19 are pending in the subject application. Applicants hereby affirm their election of the invention of Group I (claims 1-17 and 19) with traverse. Applicants acknowledge that claim 18 has been withdrawn from further consideration as being drawn to a non-elected invention. By this Amendment, Applicants have canceled claims 2 and 15 and amended claims 1, 16, and 19. Support for the amendments can be found throughout the subject specification and in the claims as originally filed (see, for example, claims 1 and 2). Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1-19 are currently before the Examiner (with claim 18 standing withdrawn). Favorable consideration of the pending claims is respectfully requested.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication that claim 2 is objected to but would be allowable if rewritten into independent form to include the limitations of any base and intervening claims.

Claims 15, 17, and 19 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants respectfully assert that the claims as filed are definite. However, in an effort to advance prosecution, claim 15 has been canceled. Thus, it is respectfully submitted that this rejection is now moot. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 15, 17, and 19 are rejected under 35 U.S.C. § 112, first paragraph, as nonenabled by the subject specification. The Office Action indicates that the specification is enabled for the phosphonates of claim 16 but is not enabled for phosphonates generally. Applicants respectfully assert that the claims as filed are enabled. However, in the interest of advancing prosecution in this matter, claim 15 has been canceled. Accordingly, it is respectfully submitted that this rejection is now moot and reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claims 1, 3-17, and 19 are rejected under 35 U.S.C. § 112, first paragraph, as nonenabled by the subject specification. The Office Action states that the specification is enabled for $X=Y=Z$ but is not enabled for other heterocycles. The claims have been amended as suggested by the Office Action

and reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

The drawings are objected to under 37 CFR 1.121(d). Specifically, the Office Action states that the shaded portions of Figures 1-3 are illegible. By this Amendment, replacement Figures 1-3 have been provided to clearly show the text. Applicants respectfully assert that no new matter has been added. Entry of the replacement Figures is requested. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

The specification is objected to because the structure on page 10 is missing a ring atom. Applicants gratefully acknowledge the Examiner's careful review of the subject specification. The specification has been amended to replace Scheme 2 to show the missing "N" atom. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claim 17 is objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Office Action indicates that claim 19 recites what the claims already require. With respect to this issue, it appears that the Office Action inadvertently objected to claim 17 while intending to object to claim 19. By way of this response, claim 19 has been amended to indicate that tert-butylmethylether is used to isolate structure 3 from the solvent thus obviating this rejection. Accordingly, reconsideration and withdrawal of the objection to the claim is respectfully requested.

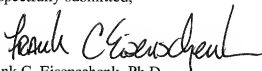
It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950

Gainesville, FL 32614-2950

FCE/sl

Attachments: Replacement Figures 1-3